



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Noritsugu Yamasaki et al.

Art Unit : 1625

Serial No. : 09/869,101

Examiner : Laura L. Stockton

Filed : June 22, 2001

Title : BENZIMIDAZOLE DERIVATIVES

MAIL STOP AF

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

TERMINAL DISCLAIMER UNDER 37 CFR §§3.73(b) AND 1.321(b)

Pursuant to 37 CFR §3.73(b), FUJISAWA PHARMACEUTICAL CO., LTD., certifies that it is the assignee of the entire right, title, and interest in the above application by virtue of an assignment from the inventors of the patent application identified above. The assignment for the instant application was recorded in the Patent and Trademark Office at Reel 014738, Frame 0216 on June 16, 2004. Fujisawa Pharmaceutical Co., Ltd. also certifies that it is the assignee of U.S. Patent No. 6,420,409 by virtue of an assignment from the inventors of the U.S. Patent No. 6,420,409. The assignment for U.S. Patent No. 6,420,409 was recorded in the Patent and Trademark Office at Reel 010695, Frame 0080 on March 29, 2000.

The undersigned has reviewed all the documents in the chain of title of the above-identified application and to the best of undersigned's knowledge and belief, title is in Fujisawa Pharmaceutical Co., Ltd.

The undersigned is empowered to act on behalf of the assignee.

Pursuant to 37 CFR §1.321(b), and to obviate a double patenting rejection, the assignee identified above hereby waives and disclaims the terminal portion of the term of the entire patent to be granted upon the above identified application subsequent to the expiration date of U.S. Patent No. 6,420,409, provided that any patent granted on the above identified application shall

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date of Deposit

June 23, 2004

Signature

Denise A. Rose

Denise A. Rose

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be enforceable only for and during such period that it is commonly owned with U.S. Patent No. 6,420,409.

The assignee identified above does not disclaim any terminal part of any patent granted on the above identified application prior to the expiration date of the full statutory term of U.S. Patent No. 6,420,409 in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321(a), has all claims cancelled by a reexamination certificate or reissue proceeding, or is otherwise terminated prior to expiration of its statutory term, except for the separation of legal title as stated above. Assignee herein does not disclaim or otherwise affect any part of U.S. Patent No. 6,420,409.

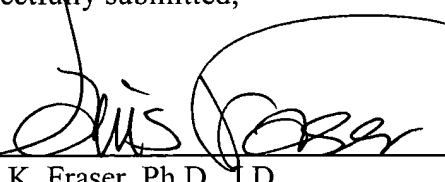
This disclaimer runs with any patent granted on the above application and is binding upon the grantee, its successors or assigns.

Enclosed is a check for \$110 for the Terminal Disclaimer fee. Please charge any additional fees, or make any credits, to Deposit Account No. 06-1050, referencing Attorney Docket No. 14878-082001.

Respectfully submitted,

Date:

June 23, 2004



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